

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A.J., ANTONIO J., and LUCIANA
ZEFERINO,

Plaintiffs,

v.

CITY OF BELLINGHAM, *et al.*,

Defendants.

CASE NO. C16-0620-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to extend discovery schedule and continue trial date (Dkt. No. 81). The Court may modify a pretrial scheduling order for good cause. Fed. R. Civ. Pro. 16(b)(4). Good cause may be found where the pretrial schedule "cannot reasonably be met with the diligence of the party seeking the extension." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

Plaintiff's counsel requests a 60 to 90 day extension of case management deadlines, and if necessary, a trial continuance following a November 17, 2017 fire that destroyed his house and home office. (Dkt. No. 81 at 1–2.) Counsel and his wife, who is his legal assistant, work from this home office, which contained his digital and paper records and casefiles. (*Id.*) Counsel bases his request on the need to deal with logistical issues arising from the fire and the emotional impact of the disaster, as well as the difficulty of managing case deadlines in this and other

1 cases. (*Id.* at 3.) Counsel also indicates an outstanding need for additional motions and discovery
2 to address Federal Defendants' failure to answer the amended complaint. (*Id.*)

3 Defendants oppose Plaintiff's request. They first assert a lack of good cause for an
4 extension because Plaintiff had adequate time to pursue discovery before the fire, but failed to do
5 so. (Dkt. No. 83 at 2.) Defendants further base their opposition on Plaintiff's failure to diligently
6 prosecute this case, citing Plaintiff's prior motions for extensions of time and failure to serve
7 federal defendants. (*Id.*) Finally, Defendants ask the Court to limit any extension granted. (*Id.*)

8 The Court finds good cause to modify the case schedule and continue trial. Prior
9 extensions and failures to serve Defendants were caused by Counsel's serious health issues, and
10 the destruction of Counsel's home and office would impact his ability to work on this case
11 regardless of how complete discovery was at the time of the disaster. Furthermore, the Court
12 does not find that an extension or continuance would be prejudice Defendants. For these reasons,
13 Plaintiff's motion to extend discovery and the trial date (Dkt. No. 81) is GRANTED.

14 Trial in this matter shall be CONTINUED to July 30, 2018. The proposed pretrial order is
15 due by July 20, 2018. Trial briefs and proposed voir dire and jury instructions are due by July 23,
16 2018. Discovery cutoff is 120 days before the new trial date, and dispositive motions must be
17 filed no later than 90 days before the new trial date.

18 DATED this 19th day of January 2018.

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22 John C. Coughenour
23 UNITED STATES DISTRICT JUDGE
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